JS 44 (Rev. 12/12)

CIVIL COVER SHEET

Case 2:13-cv-06832-AB Document 1 Filed 11/25/13

The IS 44 civil cover sheet and the information contained herein neither replace nor supplement the filling and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the

purpose of initiating the civil do	cket sheet. (SEE INSTRUCT	ILVAN CUANCULA SECTIONAL	1. 171 1171.			<u>-</u> -	-
(a) PLAINTIFFS MICHAEL WATKINS 100 Summit Avenue Willow Grove, PA 19090				HASTER LAW O 6640 SHADY OA	DEFENDANTS HASTER LAW OFFICE, P.A. 6640 SHADY OAK ROAD, SUITE 340 EDEN PRARIE, MN 55344 683		
(b) County of Residence of (EX.) (c) Attorneys (Firm Name, A.) JOSEPH A. DIORIO, BRIAN J. SMITH ANI 140 E. BUTLER AVE: AMBLER, PA 19002 215-659-8700	CEPT IN U.S. PLAINTHY CAS Address, and Telephone Number, ESQUIRE D. ASSOCIATES	SEN		NOTE: Attorneys (If Know		ISEN ONLY) TON CASES, USE THE NVOLVED.	
II. BASIS OF JURISD	ETION (Place on "X" in t	ne Box Only)	III. C	TIZENSHIP OF P For Diversity Cases Onl	RINCIPAL PARTIE	S (Place an "λ" m One and One Box fe	: Hox for Plaintiff or Detendanti
□ 1 U.S. Government Plaintiff	■3 Federal Question (U.S. Government Not.)	a Party)	,	itizen of This State	DEF Incorporated	d or Principal Place ess In This State	PTF DEF ☐ 4 ☐ 4
2 U.S. Government Defendant	4 Diversity (Indicate Catzenship o)	Parties in Hem III)		itizen of Another State itizen or Subject of a Foreign Country		d and Principal Place ess In Another State	□ 5 □ 5 □ 6 □ 6
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CONTRACT	TOI			FORFEITURE/PENALT	Y BANKRUPTCY	OTHER	STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment Æ Enforcement of Judgment ☐ 151 Medicate Act ☐ 152 Recovery of Defaulted Student Loans ÆExcludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 169 Stockholders' Suits	☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle	PERSONAL INJ 365 Personal Inju Product Liab 367 Health Care/ Phannaceutic Personal Inju Product Liabi 368 Asbestos Peri injury Produ Liability PERSONAL PRO 370 Other Fraud 371 Truth in Lence	ry - ility [al ry ibity sonal ct PERTY [3625 Drug Related Seizure of Property 21 USC 84 3690 Other LABOR 3710 Fair Labor Standards Act 3720 Jabor/Management	28 USC 157 PROPERTY RIGHT \$20 Copyrights \$30 Patent \$40 Trademark \$60 CIAL SECURITY \$61 HIA (1395ff) \$62 Black Lung (923) \$63 DIWC/DIWW (40	400 State R 410 Antitris 430 Banks 430 Banks 450 Comme 460 Deports 470 Rackets Corrupt × 180 Consuc 490 Cable/S 850 Securit Exchar	eapportionment st and Banking erce intion eer Influenced and torganizations ner Credit fat TV ies/Commodities/ inge
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CAUSE OF ACTION	15 USC SECTION 169 Brief description of caus	2 se.		(Do not cite jurisdictional :	ΛCT		
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS UNDER RULE 23,		ON	DEMAND \$ 10000	CHECK YE: JURY DEM	· / /	□ No
VIII. RELATED CASI	E(S) (See instructions):	JUDGE			DOCKET NUMBE	R YOU?	? 5 20 13
DATE 11/20/2013		SIGN ATURE OF A	TIORNEY	OF RECORD			<u>-</u> .
FOR OFFICE USE ONLY RECEIPT # A	MOUNT	APPLYING IF	Į:	TUDG	F M#	AG JUDGE	

Case 2:13-cv-06822-AB Document 1 Filed 11/25/13 Page 3 of 9 6 8 3 2

FOR THE FASTERN DISTRICTS OF PENNSYLVANIX — DESIGNATION FORM to bussignment to appropriate calendar.			
Address of Plaintiff: 100 SUMMIT AVE, WILLS	worde RA		
Address of Defendant: 6640 SHANYOAK 12	d EDEN PRAME MA		
Place of Accident, Incident or Transaction: 100 Summit World	, WILLOW GROVE PA		
(Cise Reverse Sidi: Cor A			
ooes this civil action involve a nongovernmental corporate party with any parent corporation a (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)	_ : _		
locs this case involve multidistrict litigation possibilities?	Yes O Note		
### ELATED CASE, IF ANY: ase Number:	Date Terminated:		
ivil cases are deemed related when yes is answered to any of the following questions:			
. Is this case related to property included in an earlier numbered suit pending or within one year	1		
. Does this case involve the same issue of fact or grow out of the same transaction as a prior s	Yes Not		
action in this court?	gue penantig in within the year previously eliminated		
	Yes□ No#1		
. Does this case involve the validity or infringement of a patent already in suit or any earlier reterminated action in this court?	Yes No.		
terminated action in this court?	165-		
Is this case a second or successive habeas corpus, social security appeal, or pro se civil right	ts case filed by the same individual?		
	Yes Note		
IVIL: (Place ✓ in one category only)			
Federal Question Cuses:	B. Diversity Jurisdiction Cases:		
. Indemnity Contract, Marine Contract, and All Other Contracts	1. [1] Insurance Contract and Other Contracts		
. D FELA	2. Airplane Personal Injury		
. D Jones Act-Personal Injury	3. Assault, Defamation		
. ¬ Antitrust	4. Marine Personal Injury		
. Patent	5. Motor Vehicle Personal Injury		
. Labor-Management Relations	6. O Other Personal Injury (Please specify)		
. D Civil Rights	7. Products Liability		
. Habeas Corpus	8. Products Liability — Asbestos		
. O Securities Act(s) Cases	9. All other Diversity Cases		
0. D Social Security Review Cases	(Please specify)		
1. All other Federal Question Cases Please specify) 1505 C 6 6 3			
ARBITRATION CERT (Check Appropriate Co	ategory)		
, counsel of record do hereby certif □ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and			
150,000,00 exclusive of interest and costs; E. Relief other than monetary damages is sought.			
11/20/13 Ochice	52601		
Attorney-at-Law	Attorney LD.#		
NOTE: A real de novo will be a trial by jury only if the	MOU OF OA		
certify that, to my knowledge, the within case is not related to any case now pending or			
xcept as noted above.	776-1		
DATE: 11/20/13	5260/		
Mtorney-at-Law	Attorney I.D.#		

CIV. 609 (5/2012)

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

6832

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus - Cases	s brought under 28 U.S.C. § 224	1 through § 2255.	()
(b) Social Security - Cases and Human Services de	s requesting review of a decision enying plaintiff Social Security E	of the Secretary of Health Benefits.	()
(c) Arbitration - Cases rec	quired to be designated for arbitra	ation under Local Civil Rule 53.	.2. ((💢)
(d) Asbestos – Cases involence (d) Asbestos – Cases involence (d) Asbestos.	lving claims for personal injury of	or property damage from	()
commonly referred to:	Cases that do not fall into tracks as complex and that need special side of this form for a detailed of	or intense management by	()
(f) Standard Management	- Cases that do not fall into any	one of the other tracks.	()
11/20/13 Date 215-659-8700	Attorney-at-law	PLAINTIF Attorney for Joseph Lionio e	- -sg
Telephone	FAX Number	E-Mail Address (a) Smail. Cen	a
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(Civ. 660) 10/02

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL WATKINS

100 Summit Avenue

Willow Grove, PA 19090

Plaintiff,

VS.

Haster Law Office, P.A. 6640 Shady Oak Road, Suite 340 Eden Prarie, MN 55344

And

Lisa Haster 6640 Shady Oak Road, Suite 340 Eden Prarie, MN 55344

Defendants.

CIVIL ACTION

NO. 13 6832

COMPLAINT

I. <u>INTRODUCTION</u>

- 1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA").
- The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt.
- 3. Defendants are subject to strict liability for using collection tactics which violate the provisions of the FDCPA.

II. <u>JURISDICTION</u>

- 4. Jurisdiction arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §\$1331, 1337.
 - 5. Both Defendants do business in the Eastern District of Pennsylvania.

III. PARTIES

- Plaintiff Michael Watkins is an adult residing in Willow Grove,
 Pennsylvania at the address captioned.
- 7. Defendant Haster Law Office is a law firm with a regular place of business in Eden Prarie, Minnesota and a mailing address as captioned.
- 8. Defendant Lisa Haster is an individual employed as an attorney, debt collector at Haster Law Office.
- 9. Defendants regularly engage in the collection of consumer debts using the mails and telephone.
- 10. Defendants regularly attempt to collect consumer debts alleged to be due another.
- 11. Each Defendant is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).
- 12. Haster Law Office and Lisa Haster, Esquire are collectively referred to as "Haster."

IV. STATEMENT OF CLAIM

- 13. On or about February18, 2013, Haster sent Plaintiff a communication in an attempt to collect a consumer debt alleged due. (See Exhibit "A" attached hereto and redacted for privacy per local rule).
- 14. The letter is purportedly from Lisa Haster, Esquire. The letter purports to be signed by Lisa Haster, Esquire.
 - 15. Lisa Haster, Esquire is barred in Minnesota, not in Pennsylvania.

- 16. Upon information and belief, the "signature" on the February 18, 2013 is not Ms. Haster's.
- 17. The collection letter was not prepared, reviewed, sent nor signed by Ms. Haster, as the letter indicates. The collection notice was prepared by the Haster Law Office's collection department.
- 18. The letter deceptively conveys review and involvement by attorney Haster, when she had none.
- The FDCPA prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt, including the false representation that a communication is from an attorney. 15 U.S.C. §§1692e, 1692e(3), 1692e(10).
- 20. Section 1692e(9) prohibits the sending of any written communications to a consumer which "creates a false impression as to its source, authorization or approval."
- 21. Defendants' letter falsely, deceptively or misleadingly represents that Lisa Haster, Esquire, an attorney, had authored the letter.
- 22. In reality, Lisa Haster, Esquire was not involved in the collection of Mr. Watkins's debt. Ms. Haster did not author, sign or personally direct the sending of Mr. Watkins's letter.

FAIR DEBT COLLECTION PRACTICES ACT

- 23. Plaintiff repeats the allegations contained above as if the same were here set forth at length.
- 24. Defendants violated the FDCPA by creating a "false impression as to its source, authorization, or approval" in violation of 15 U.S.C. §1692e(9).

- 25. Defendants violated the FDCPA by making false, deceptive and misleading statements and representations in connection with the collection of this account in violation of 15 U.S.C. §§1692e and 1692e(10).
- 26. Defendants violated the FDCPA by falsely representing that a communication was from an attorney in violation of 15 U.S.C. §1692e(3).

WHEREFORE, Plaintiff Michael Watkins demands judgment against Defendants for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

V. <u>DEMAND FOR JURY TRIAL</u>

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted,

November 15, 2013

BRIAN J. SMITH AND ASSOCIATES

/S/ JOSEPH A. DIORIO

JOSEPH A. DIORIO, ESQUIRE

140 E. Butler Avenue Ambler, PA:19002

1-215-659-8700

ept 53877 PO Box 1259

Case 2:13-cv-06832-AB Document 1 Filed 11/45/43 FER 200 OPFICE, P.A.

0aks, PA 19456

6640 SHADY OAK RD STE 340 EDEN PRAIRIE MN 55344-7720

Lisa A Haster*

*Licensed in Practice in Minnesota

02/18/13

Telephone: Toll Free:

952-215-3690

Fax:

800-606-6841 952-224-2212

Name of Creditor:

Absolute Resolutions Corp.

Account:

\$5793.33

Balance Due: Original Creditor:

WELLS FARGO CREDIT CARD

86121 - 3243 MICHAEL WATKINS 3VA TIMMUZ 00£

WILLOW GROVE PA 19090-3109

LIMITED TIME SETTLEMENT OFFER

Dear MICHAEL WATKINS

We are authorized to settle the above referenced account balance in full for payment of 70% of the balance due. This offer is available only for a limited time. We have previously notified you that your above referenced delinquent account has been referred to this firm for collection.

The total settlement amount is \$4,055.33. In order to take advantage of this settlement offer we must receive your payment in this office on or before 03/25/13. We may revoke this offer if payment in good funds is not received by that date. Your account is not settled in full until your settlement payment has cleared.

Please send your payment to the **HASTER LAW OFFICE, P.A., 6640 SHADY OAK RD STE 340, EDEN PRAIRIE MN 55344-7720**. Make your payment payable to HASTER LAW OFFICE, P.A. trust account.

Please refer to account number ARC14604 with your payment.

Keep in mind that this settlement offer is only good for a limited time. Taking advantage of this opportunity may help your financial situation and will remove the need for continued collection activity.

If you have questions about this offer or want to discuss your account, please call an account representative at 800-606-6841 or 952-215-3690.

Sincerely.

HASTER LAW OFFICE, P.A.

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

Name of Creditor:

Absolute Resolutions Corp.

Account:

4072210000371906

Balance Due:

\$5793.33

Original Creditor:

WELLS FARGO CREDIT CARD

IF PAYING BY VISA, MASTERCARD OR DISCOVER, FILL OUT BELOW DISCOVER AMOUNT ∐VISA ☐ MASTERCARD BOST MOTUDE SIDICAL SECURITY OF DE FROM BACK OF CARD

MICHAEL WATKINS 100 SUMMIT AVE WILLOW GROVE PA 19090-3109

HASTER LAW OFFICE, P.A. 6640 SHADY OAK RD STE 340 EDEN PRAIRIE MN 55344-7720 tetrantologiationenteterllogettosstrellittoschizantionect;



13 6832

BRIAN J. SMITH & ASSOCIATES, P.C.

140 E. Butler Avenue, P.O. Box 387, Ambler, PA 19002-0387 Tel 215-659-8700 • Fax 215-659-8701• <u>www.lawbjs.com</u>

Brian J. Smith, Esq* <u>bsmith@lawbis.com</u> Joseph A. Diorio, Esq* <u>idiorio@lawbis.com</u> Andrew J. Good, Esq. <u>aggod@lawbis.com</u>

*Admitted to PA, NI, Distance Court FD of PA

November 21, 2013

Office of the Clerk of Court United States District Court Eastern District of Pennsylvania 601 Market Street Philadelphia, PA 19106-1797

Re: Michael Watkins v. Haster Law Office, P.A.

Our File No. 1362

Dear Sir or Madam:

Enclosed for filing please find Plaintiff's Complaint in the above-captioned matter. Kindly issue a Summons.

Thank you for your attention in this matter. If you have any questions, please feel free to contact me.

Very truly y

for Joseph A. Diorio, Esquire

JAD/smg Enclosure cc: Client